

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2016 SEP 29 PM 3:46

DEPUTY CLERK VIS

SHEON ANTHONY POLK,

Petitioner,

v.

LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:12-CV-0022

**ORDER OVERRULING OBJECTIONS,**  
**ADOPTING REPORT AND RECOMMENDATION,**  
**DENYING MOTION TO DISMISS AS TIME-BARRED, and**  
**DISMISSING, IN PART, PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On September 14, 2016, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that Motion to Dismiss as Time-Barred filed by respondent be denied as to petitioner's claims relating to Potter County, Texas Cause Nos. 52,536 and 52,537, and that any challenges to petitioner's convictions and sentences in Potter County, Texas Cause Nos. 52,538 and 53,105 be dismissed as time-barred. Respondent filed objections to the Report and Recommendation on September 28, 2016. As of this date, petitioner has not filed objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by respondent to the Report and Recommendation. The objections filed by respondent are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the Motion

to Dismiss as Time-Barred filed by respondent is DENIED as to petitioner's claims relating to Cause Nos. 52,536 and 52,537. Petitioner's habeas application, to the extent it challenges petitioner's convictions and sentences in Cause Nos. 52,538 and 53,105, is DISMISSED as time-barred as to those convictions only.

The United States District Clerk shall close this case and re-open it only as to petitioner's challenges to Potter County, Texas Cause Nos. 52,536 and 52,537.

IT IS SO ORDERED.

ENTERED this 29<sup>th</sup> day of September 2016.

  
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MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE